

IN THE UNITED STATES COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HLEVICTOR HOSKINS,
PLAINTIFF

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§
§

V.

§ CIVIL ACTION NO. 4:24-CV-3380

NELNET, INC.,
DEFENDANT

§
§
§

NOTICE OF REMOVAL

COMES NOW, Defendant NELNET SERVICING, LLC (incorrectly named as “Nelnet, Inc.”) (“Nelnet” or “Defendant”), pursuant to the provisions of 28 U.S.C. § 1332 and 1446, appearing specially so as to preserve any and all defenses available under Rule 12, and hereby gives notice of the removal of this action from the Justice Court, Precinct 5, Place 1, of Harris County, Texas, to the United States District Court, Southern District of Texas, Houston Division.

In support of this Notice of Removal, Nelnet states as follows:

I. Introduction

1. This is a case regarding the credit reporting of student loans.

2. Plaintiff, Hlevictor Hoskins (“Hoskins” or “Plaintiff”), commenced this action by filing a complaint in the Justice Court, Precinct 5, Place 1, of Harris County, Texas, Cause No. 245100295998, on or about August 12, 2024 (the “Complaint”). A true and correct copy of the Complaint is attached hereto as **Exhibit B-1**.

3. Plaintiff’s Complaint asserts two causes of action against Nelnet: negligence and violations of the FCRA. Compl.

4. Defendant Nelnet invokes this Court’s federal question and diversity jurisdiction.

5. The records from the state docket, Cause No. 245100295998 in the Justice Court, Precinct 5, Place 1, of Harris County, Texas, have been attached to this Notice of Removal. A

true and correct copy of the Complaint and Answer are attached hereto as **Exhibit B-1 and B-2**.

The remainder of the State Court File has been ordered and will be supplemented.

II. Federal Question Jurisdiction Exists Over This Action

6. Removal is proper because Plaintiff's suit involves a federal question. Specifically, Plaintiff alleges that Nelnet violated the Fair Credit Reporting Act ("FCRA") (15 U.S.C. § 1681, *et seq.*). A suit based upon violation of FCRA is, as a matter of law, a federal question.¹ Therefore, this Federal District Court has original jurisdiction over this case under the provisions of 28 U.S.C. §§ 1331 and 1441(b).

III. ADOPTION AND RESERVATION OF DEFENSES

7. Nothing in this notice of removal shall be interpreted as a waiver or relinquishment of any of Nelnet's rights to assert any defense or affirmative matter, including, but not limited to, the defenses of: (1) lack of jurisdiction over the person; (2) improper venue; (3) insufficiency of process; (4) insufficiency of service of process; (5) improper joinder of claims and/or parties; (6) failure to state a claim; (7) the mandatory arbitrability of some or all of the claims; (8) failure to join indispensable parties; or (9) any other pertinent defense available under Federal Rule of Civil Procedure 12 or the Texas Rules of Civil Procedure, any state or federal statute, or otherwise. Nelnet also reserves the right to demand arbitration pursuant to any contractual agreement with Plaintiff.

IV. TIMING OF REMOVAL

8. This removal is timely because it is being filed within thirty (30) days of service of Plaintiff's complaint on Nelnet.² Nelnet was served on August 15, 2024.

¹ See, e.g., *Awah v. Transunion*, No. CV ELH-15-02042, 2015 WL 7273154, at *4 (D. Md. Nov. 18, 2015) ("[A] suit brought under the FCRA raises a federal question that defendants may remove to federal court pursuant to 28 U.S.C. §§ 1331 & 1441(a)-(b).").

² See 28 U.S.C. 1446.

V. ADDITIONAL PROCEDURAL REQUIREMENTS

9. This case is a civil action within the meaning of the Acts of Congress relating to the removal of cases.

10. True and correct copies of “all process, pleadings, and orders” from the state court are being concurrently submitted to the Court pursuant to 28 U.S.C. § 1446(a). There has been no other process, pleadings, or orders served upon Nelnet to date in this case.

11. Nelnet has heretofore sought no similar relief.

12. Venue is proper in this district under 28 U.S.C. §1466(d) because the United States District Court for the Southern District of Texas, Houston Division is the court embracing the state court where this action is pending in state court.

13. Nelnet has provided written notice of the filing of this Notice of Removal to all parties in this action and is filing a copy of this Notice of Removal with the clerk of the state court where the action is pending pursuant to 28 U.S.C. § 1446(d).

14. Nelnet reserves the right to supplement this notice of removal by adding any jurisdictional defenses which may independently support a basis for removal.

WHEREFORE, PREMISES CONSIDERED, Nelnet Servicing, LLC prays that this Court take jurisdiction of this action and issue all necessary orders and process to remove this action from the Justice Court, Precinct 5, Place 1, of Harris County, Texas, to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

HUSCH BLACKWELL, LLP

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ATTORNEYS FOR DEFENDANT
NELNET SERVICING, LLC

CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Removal has been served upon the following on this the 11th day of September, 2024:

Hlevictor Hoskins, Jr.
2425 Holly Hall, Unit K142
Houston, Texas 77054
Pro Se Plaintiff

Certified Mail No. 9314 7699 0430 0125 7880 26

/s/Sabrina A. Neff

Sabrina A. Neff